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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,926	01/29/2002	Wayne Cannon	CISCP709	7542
26541	7590	08/29/2007		
Cindy S. Kaplan P.O. BOX 2448 SARATOGA, CA 95070			EXAMINER BLAIR, DOUGLAS B	
			ART UNIT 2142	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

74

<b>Office Action Summary</b>	<b>Application No.</b> 10/060,926	<b>Applicant(s)</b> CANNON ET AL.	
	<b>Examiner</b> Douglas B. Blair	<b>Art Unit</b> 2142	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11, 13, 14, 16, 18, 19 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 13, 14, 16, 18, 19 and 22-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 1-9, 11, 13, 14, 16, 18, 19, 22 and 23-24 are currently pending. Claims 1, 5, 9, and 14 have been amended and claim 24 has been added.

### ***Response to Arguments***

2. Applicant's arguments filed 6/20/2007 have been fully considered but they are not persuasive. The applicant argues that application 110 and representation 108 do not teach include functions for managing either a specific type of network element or different types of network elements. However, in Shteyn, the application manages all modules thus it manages different types of elements. The device control modules themselves (see column 3) are used to manage different types of devices having specific functions. The claims are broad enough for this interpretation. The further arguments regarding the newly added limitations are address in the revised rejection that follows.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2142

4. Claims 1-9, 11, 13-14, 16, 18-19, and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,434,447 to Shteyn.

5. As to claim 1, Shteyn teaches a method of managing network elements in a network at a node in the network (**col. 9, lines 3-38, controller 104 is the node**), comprising: providing a network element independent module that includes functions for managing different types of network elements (**col. 9, lines 3-38, the application 110 is the network element independent module**); providing one or more network element dependent modules that include functions for a specific type of network element and is in communication with the network element independent module (**col. 3, lines 21-47, the document control modules read on the network element dependent modules**); providing a network management application that calls the functions of the network element independent and dependent modules to manage a plurality of network elements in a network (**col. 9, lines 21-59, shows the management of function calls and col. 3, lines 21-32, shows that a plurality of elements can be managed**); sending a request to a new network element for information about the new network element (**col. 9, lines 21-38**); initializing the network element independent module for the new network element (**col. 9, lines 21-38**); determining if the new network element corresponds to one of the network element dependent modules accessible by the network management application (**col. 4, lines 21-45, with Level 1 interoperability, the system can determine if the a device control module is present for a new device**); and receiving from the new network element and store a new network element dependent module if the new network element does not correspond to one of the network element dependent modules accessible by the management application (**col. 4, lines 21-45**); wherein the new network element dependent module, network element independent module and

Art Unit: 2142

network management application are stored at the node so that the node is operable to communicate directly with the new network element (**col. 9, lines 3-38**).

6. As to claim 2, Shteyn teaches the method of claim 1, wherein the functions of the network element dependent module are executable at run time through dynamic class loading (**col. 7, lines 36-66**).

7. As to claim 3, Shteyn teaches the method of claim 1, wherein the network element dependent module includes specifications of the network element (**col. 9, lines 21-59**).

8. As to claim 4, Shteyn teaches the method of claim 3, wherein the specifications include graphical representation of the network element (**col. 9, lines 3-38**).

9. As to claims 5-8, they feature the same limitations as claims 1-4 and are rejected for the same reasons as claims 1-4.

10. As to claim 9, Shteyn teaches a method of managing network elements in a network at a node in the network comprising: sending a request to a network element for the specific type of the network element (**col. 3, lines 38-67, Level 1 module**); determine if the new network element is compatible with a specific type of another network element on the network (**col. 9, lines 21-45**); if the specific type of the network element is compatible with the specific type of another network element on the network, utilizing a stored network element dependent module (**col. 3, lines 38-67**); if the specific type of the network element is not compatible with the specific type of another network element on the network: sending a request to the network element for a network element dependent module that includes functions for managing the specific type of the network element (**col. 4, lines 45-66, Level 2 module**); executing the network element dependent module to create an interface to the network element (**col. 4, lines**

Art Unit: 2142

45-66); and utilizing the interface to manage the network element (**col. 4, lines 45-66**); wherein the network element dependent module is executed at the same network element running a network management application (**col. 4, lines 45-66**).

11. As to claim 11, Shteyn teaches the method of claim 9 further comprising sending a request to the network element for the software version of the network element (**col. 4, lines 1-20**).

12. As to claim 13, Shteyn teaches the method of claim 9, further comprising receiving an object change message that there is a new network element on the network (**col. 3, lines 25-27**).

13. As to claims 14, 16, and 18, they feature the same limitations as claims 9, 11, and 13 and are rejected for the same reasons as claims 9, 11, and 13.

14. As to claim 19, Shteyn teaches the method of claim 1 further comprising receiving a packet identifying a new network element and sending an object change message to inform the network management application that there is a new network element (**col. 3, lines 25-27**).

15. As to claim 22, Shteyn teaches the method of claim 1 further comprising receiving a message indicating a topology change in said network and identifying said new network element (**col. 3, lines 25-27**).

16. As to claim 23, Shteyn teaches the method of claim 1 further comprising determining that the new network element type is the same as another network element on said network and utilizing the network element dependent module to manage the new network element (**col. 3, lines 25-27**).

Art Unit: 2142

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,434,447 to Shteyn et al. in view of U.S. Patent Number 6,163,817 to Shteyn et al.

19. As to claim 24, In the '447 patent Sheyten teaches the method of claim 1; however Sheyten does not explicitly mention network element dependent communication protocols

In the '817 patent Shteyn teaches the network element dependent module comprises functions that support network element dependent communication protocols (See summary).

It would have been obvious to in the computer networking art at the time of the invention to combine the teachings of Shteyn in the '447 patent regarding the management of network element modules with the teachings of Shteyn in the '817 patent regarding network elements using specific protocols because the '447 patent explicitly states that the teachings of both inventions are combinable (col. 11, lines 9-17 of the '447 patent).

### ***Conclusion***

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2142


the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is (571) 272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair  
DBB

  
ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER